

**STATE OF CALIFORNIA
CALIFORNIA DEPARTMENT OF VETERANS AFFAIRS
1227 O STREET, SUITE 306
SACRAMENTO, CALIFORNIA 95814**

**TITLE 12, CALIFORNIA CODE OF REGULATIONS,
CHAPTER 4, SUBCHAPTER 1,
AMEND SECTION 503
REGARDING DEFINITIONS OF LEVELS OF CARE;
CALIFORNIA VETERANS HOME**

INITIAL STATEMENT OF REASONS

INTRODUCTION

The CDVA operates and maintains the Veterans Homes of California with veterans homes currently providing care to eligible veterans and their spouses at campuses in Yountville, Chula Vista and Barstow, California. These veterans homes provide different levels of care ranging from domiciliary care, where a resident is able to take care of his or her own daily activities, to skilled nursing care, where a resident requires 24/7 licensed care.

Historically, residents entered the veterans home at the domiciliary stage and moved up through the different levels of care as his or her health care needs changed. In order to preserve space for existing residents at the higher levels of care, current regulations either prohibit direct admission to higher levels of care entirely or limit Home Administrators from directly admitting applicants from outside the home unless a 25 percent reserve is maintained for the benefit of existing residents who are projected to need that level of care.

In October 2004, the CDVA put an emergency regulation in place that dispensed with this restriction and left decisions to direct admit to the discretion of the Home Administrators. The emergency regulation lapsed by operation of law in 2006 and the regulation reverted to its prior form. During the period that the emergency regulation was in effect the Home Administrators exercised their discretion to directly admit outside applicants without any negative impact upon existing residents.

The CDVA is in the process of constructing five new veterans homes in West Los Angeles (Los Angeles County), Lancaster (Los Angeles County), Saticoy (Ventura County), Fresno (Fresno County) and Redding (Shasta County). This expansion is intended to respond to the need for bed space at higher levels of care, rather than domiciliary care where the majority of veterans home residents are currently placed. As a result, the new veterans homes will offer placement at the higher levels of care only and not at the domiciliary level.

The proposed amendment removes limitations on the direct admission of outside applicants to the veterans home in the current regulations in order to return flexibility to the Home Administrators to maintain the census while conserving space for existing residents, and to populate and maintain the census at the new homes which will be opening in West Los

Angeles, Lancaster, Saticoy, Fresno and Redding, California.

In addition, in subdivision (a), the original reference to the California Department of Health Services will be changed to the California Department of Public Health to reflect a change in that agency's name and references to services at the various homes have been stricken, as they may no longer be accurate or are superfluous. The latter changes do not materially alter any requirement, right, responsibility, condition, prescription or other regulatory element of any California Code of Regulations provision.

There are no comparable provisions of federal law related to this proposal.

SPECIFIC PURPOSE OF THE AMENDMENT

The specific purpose of the amendment, and the rationale for the determination that the amendment is reasonably necessary to carry out the purpose for which it is proposed, together with a description of the public problem, administrative requirement, or other condition or circumstance that the amendment is intended to address, is as follows:

This rulemaking action implements, clarifies and makes specific the conditions upon which outside applicants to the Veterans Homes of California may be admitted. The purpose of the proposed amendment is to remove limitations on the direct admission of outside applicants to the veterans home in order to return flexibility to Home Administrators to maintain the census while conserving space for existing residents, and to populate and maintain the census at the five new veterans homes.

OTHER REQUIRED SHOWINGS – GOVERNMENT CODE SECTION 11346.2(b)(2)-(4)

Studies, Reports, or Documents Relied Upon – Government Code section 11346.2(b)(2):

None.

Reasonable Alternatives Considered - Government Code section 11346.2(b)(3)(A):

The CDVA must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. The CDVA invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period or at a public hearing if one is held.

Reasonable Alternatives That Would Lessen the Impact on Small Businesses - Government Code section 11346.2(b)(3)(B):

None

Evidence Relied upon to Support the Initial Determination That the Regulation Will Not Have a Significant Adverse Economic Impact On Business -- Government Code section 11346.2(b)(4):

The amendment to the regulation will not have a significant adverse economic impact upon business since it only regulates the conditions upon which individual eligible veterans may be admitted to the veterans home.